

Docket No.: 29827/40800
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Norbert Herfert et al.

Application No.: 10/522,937

Confirmation No.: 8415

Filed: January 31, 2005

Art Unit: 1713

For: Superabsorbent Polymers and Method of
Manufacturing the Same

Examiner: Satya B. Sastri

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, having power of attorney from the assignee, BASF Aktiengesellschaft (BASF), has executed this document on behalf of petitioner, BASF. Petitioner is a German corporation, Ludwigshafen, Germany D-67056, and is the owner of 100% interest in the instant application, as shown by the Assignment recorded July 29, 2005, at Reel 016819, Frame 0981. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer of copending application Serial No. 10/523,086, filed February 2, 2005. Petitioner is the owner of 100% interest in application Serial No. 10/523,086, as shown by the Assignment recorded August 8, 2005, at Reel 016860, Frame 0500. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the application Serial No. 10/523,086 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on application Serial No. 10/523,086, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereof.

The Commissioner is hereby authorized to credit any overpayment or charge any additional fees which may be required during the pendency of this application under 37 C.F.R. §1.16 or 37 C.F.R. §1.17 or under applicable rules (except payment of issue fees), to Deposit Account No. 13-2855.

Dated: July 31, 2007

Respectfully submitted,

By 
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